

Before the Board of Zoning Adjustment, D. C.

Application No. 11878 of Roy L. Stuart, pursuant to Section 8207.1 of the Zoning Regulations for a variance from the parking requirements of Section 7207.1 of the regulations twenty seven (27) off street parking spaces, as provided by Section 8207.11 of the regulations, to permit a public hall at the premises 3614 14th Street, N. W., in the C-2-A Zone, known as lot 26, square 2689.

HEARING DATE: April 16, 1975

DECISION DATE: April 16, 1975

FINDINGS OF FACT:

1. The proposed use of the subject property is permitted as a matter of right in the C-2-A Zone, however, the subject property does not have the required amount of parking (27 off-street parking spaces) designated by the Zoning Regulations.

2. The subject property is occupied totally by the structure proposed to be used by the applicant.

3. The applicant testified that the public hall usage of the subject property would be carried on during evening hours on rental basis.

4. The property was previously used as a refrigeration sales business.

5. The applicant testified that off-street parking is available in this C-2-A Zone during the evening hours.

6. The applicant testified that no commercial parking lots exist in the immediate area of the subject property.

7. Although the applicant testified that off-street parking is needily available during the evening hours in the neighborhood of the subject property, the applicant did not support his statement with photographs of the area in the evening or testimony of witnesses who have observed such, to corroborate his testimony.

8. The applicant testified that this variance, if denied, would deny him a beneficial use of his property.

9. The Board takes notice of the fact, that the Zoning Regulations permit other uses in the C-2-A Zone besides that of a public hall.

10. No opposition was registered at the Public Hearing.

11. The applicant has not shown that strict application of the regulations would deny him all beneficial use of the subject property.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings and the record, the Board is of the opinion that the applicant has not carried his burden of proof of demonstrating that this variance, if granted would not have adverse affect on nearby and adjoining property. The proposed use (public hall) would generate additional traffic to neighborhood wherein it is located and the applicant has not satisfied the Board that this increase of traffic would not create an objectionable condition by reason of on-street parking congestion. Further, the Board concludes that the applicant has not proved the existence of a practical difficulty and a hardship within the meaning of the Zoning Regulations because the property can be put to a use other than the public hall.

ORDERED:

That the above application be and is hereby
DENIED.

Application No. 11878


Page 3

VOTE:

3-0 (Mr. Harps not voting, not having heard the case,
and Lilla Burt Cummings abstaining)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: **MAY 19 1975**

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11878, of Roy L. Stuart, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the parking requirements of Section 7207.1 of the regulations, for twenty -seven (27) off-street parking spaces, as provided by Section 8207.11 of the regulations, to permit a public hall at the premises 3614 - 14th Street, N.W., in the C-2-A zone, known as Lot 26, Square 2689.

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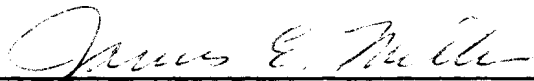
DECISION DATE: April 16, 1975, August 6, 1975

ORDER

Upon reconsideration of the applicant's motion for reconsideration and/or re-hearing of this Board's decision in application No. 11878, dated April 23, 1975, the Board finds that said motion fails to state a basis of error on the part of the Board to support reconsideration of the matter or to identify any new evidence which could not reasonably have been presented at the original hearing which is the basis for rehearing. Accordingly, it is hereby ORDERED; That the applicant's post-hearing appeals fail for the lack of four (4) affirmative votes.

BY THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER

16/10/75